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April 16, 2015

By ECF

Hon. John G. Koeltl
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Apple Mortgage Corp. v. Richard Barenblatt et al., Civil Action No. 13 CV 9233 (JGK) (HP)

Dear Judge Koeltl:

We represent Defendants in the above-referenced litigation. Earlier this week, the parties submitted letters to the Court, by facsimile, seeking pre-motion conferences and raising some related issues. This letter addresses only a scheduling issue and is submitted on behalf of all parties herein.

The parties were scheduled to have a settlement conference with Magistrate Judge Pitman on April 24, 2015, the same day that any summary judgment motions are due to be filed herein. A final deposition in this matter that was scheduled to be taken this week, of Alan Rosenbaum, the president of non-party GuardHill Financial Corp., needs to be rescheduled in light of a personal issue on the part of the witness. Considering all of this, the parties have agreed and jointly propose as follows:

- The deposition of Alan Rosenbaum shall be taken as soon as practicable on a day to be determined by the witness and the parties;
- The settlement conference with Magistrate Judge Pitman shall be moved to a date following that deposition, at the discretion of Magistrate Judge Pitman.
- If the case is not settled, the parties shall promptly contact the Court to set a date for a pre-motion conference regarding Defendants' motion to amend the counterclaims and both parties' motions for summary judgment, in anticipation that a schedule for the filing and briefing of such motions shall be set at that time.

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- The due date for a pretrial order and motions in limine shall be adjourned until after the determination of the motions to amend and for summary judgment, to a date to be set by the Court.

The parties jointly request these adjustments to the schedule and believe the above sequencing will enhance efficiencies for the parties and the Court.

We appreciate the Court's attention to this matter and are available to answer any questions Your Honor may have.

Respectfully submitted,



A handwritten signature in blue ink, appearing to read "Richard C. Schoenstein".

Richard C. Schoenstein

cc: Hon. Henry B. Pitman (by facsimile)
Jonathan Rogin (Counsel for Plaintiff) (by ECF)